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FILED

OCT 19 2016

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

18 UNITED STATES DISTRICT COURT
19 EASTERN DISTRICT OF CALIFORNIA

20 AMERIPRIDE SERVICES INC., a
21 Delaware corporation,

22 Plaintiff,

23 vs.

24 VALLEY INDUSTRIAL SERVICES, INC.,
a former California Corporation, et al.

25 Defendants.

Case No. CIV. 2-00-113 MCE-EFB

**STIPULATION AND ORDER RE
ADMISSIBILITY OF PREVIOUSLY
ADMITTED TRIAL EXHIBITS**

Trial Date: October 17, 2016
Complaint Filed: January 20, 2000

27 AND CONSOLIDATED ACTION AND
28 CROSS AND COUNTER-CLAIMS.

1 Plaintiff AMERIPRIDE SERVICES INC. ("AmeriPride") and Defendant TEXAS
2 EASTERN OVERSEAS, INC. ("TEO"), by and through their respective counsel, stipulate
3 as follows with respect to the admissibility of previously admitted exhibits:

4 **RECITALS**

5 1. Beginning on January 25, 2012, the Court held a 12-day bench trial in this
6 case ("2012 trial");

7 2. Over the course of the 2012 trial, the Court admitted into evidence 274 of
8 AmeriPride's designated trial exhibits and 141 of TEO's designated trial exhibits.;

9 3. On August 29, 2016, the Court entered the Stipulation and Order to Amend
10 Joint Pretrial Statement, ECF No. 1062, which included AmeriPride and TEO's amended
11 list of exhibits that each party expects to offer, if necessary, at the trial currently scheduled
12 to begin October 17, 2016 ("October 2016 trial"). In the amended exhibits lists the Parties
13 identify each intended exhibit for the October 2016 trial that was previously admitted in
14 2012;

15 4. On August 29, 2016, the Court entered the Final Pretrial Order, ECF No.
16 1063, which includes AmeriPride and TEO's amended exhibit lists;

17 5. AmeriPride and TEO agree that the trial will proceed more efficiently by
18 eliminating the need at trial to have the Court rule on the admissibility of documents that
19 the Court already received into evidence if such documents are presented by AmeriPride
20 or TEO during the October 2016 trial.

21 **STIPULATION**

22 Based on the foregoing, AmeriPride and TEO, through their respective counsel of
23 record, stipulate as follows:

24 1. AmeriPride and TEO's amended exhibit lists include some documents as
25 intended trial exhibits that were received into evidence during the 2012 trial. For each
26 such document, the exhibit description includes the clarification, "Previously admitted into
27 evidence in the first trial as [PLAINTIFF/DEFENDANT]'s Exhibit [X]."

28 2. AmeriPride and TEO agree not to object to the admissibility of a previously-

admitted trial exhibit identified in the manner described in Stipulation Paragraph 1, except for any previously admitted expert reports which are expressly excluded from this Stipulation, and except for objections on the basis of relevance or that the designated trial exhibit is not a true and correct copy of the previously-admitted exhibit it purports to be, or by further agreement between the Parties with respect to certain exhibits.

3. The foregoing applies irrespective of whether the designating party designates a trial exhibit previously admitted as the other party's exhibit during the 2012 trial.

Date: September 23, 2016 BASSI, EDLIN, HUIE & BLUM LLP

By: /s/ Fred M. Blum
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ERIN K. POPPLER
Attorneys for Defendant
TEXAS EASTERN OVERSEAS, INC.

Date: September 23, 2016 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

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AMERIPRIDE SERVICES INC.

1 Date: September 23, 2016

2 PERKINS MANN & EVERETT, APC

3 By: /s/ Lee N. Smith

4 LEE N. SMITH

5 Attorneys for Plaintiffs

6 AMERIPRIDE SERVICES INC.

7 **ORDER**

8 IT IS SO ORDERED.

9 Date: 10.19.16

10 
11 HON. MORRISON C. ENGLAND, JR.
12 UNITED STATES DISTRICT JUDGE